

## Message Text

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TAGS: SHUM, WZ

SUBJECT: SWAZILAND HUMAN RIGHTS EVALUATION

1. FOLLOWING IS AF DRAFT OF UNCLASSIFIED HUMAN RIGHTS REPORT ON SWAZILAND FOR CONGRESSIONAL PRESENTATION. WOULD VALUE YOUR COMMENTS, CORRECTIONS OR CHANGES. NOTE THAT REPORT MUST ADHERE STRICTLY TO PRESENT FORMAT AND ADDRESS EACH TOPIC DIRECTLY. CLASSIFIED VERSION INCLUDING RECOMMENDATIONS FOR ACTION WILL FOLLOW LATER. IN ADDITION TO SPECIFIC COMMENTS ON POSSIBLE CHANGES IN REPORT, PLEASE SUPPLY ANY ADDITIONAL FACTS, ASSESSMENTS, BACKGROUND OR COMMENTS YOU FEEL MAY HELP US IN PRESENTING MOST ACCURATE FINAL PICTURE.

2. WITHOUT SHARING THIS UNCLEARED PRELIMINARY DRAFT WITH SWAZIS, YOU MAY WISH TO INSURE THAT GOS IS AWARE LIMITED OFFICIAL USE  
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OF CONTINUING US DETERMINATION TO FACTOR HUMAN RIGHTS CONSIDERATIONS INTO DECISIONS ON AID AND OTHER RELATIONS. CONTINUING USE OF AUTHORITY FOR DETENTION WITHOUT CHARGE IS PERHAPS MOST DIFFICULT ASPECT OF GOS RECORD TO EXPLAIN OR DEFEND, AND REPEAL OR AT LEAST DISUSE WOULD SIGNIFICANTLY DEFUSE CRITICISM WHICH WILL OTHERWISE INEVITABLY CONTINUE FROM MANY QUARTERS.

3. BEGIN TEXT: 1. RESPECT FOR THE INTEGRITY OF THE PERSON:

THE PEOPLE OF SWAZILAND HAVE A BASIC AND TRADITIONAL RESPECT FOR HUMAN RIGHTS. THEY ENJOY FEW POLITICAL LIBERTIES BUT ARE PROTECTED FROM ABUSE OF INDIVIDUAL HUMAN RIGHTS. IN 1973 THE REVIEW OF THE INTERNATIONAL COMMISSION OF JURISTS REPORTED THAT THE ABOLITION OF THE CONSTITUTION IN THAT YEAR APPEARED TO BE A "SERIOUS SETBACK," OBSERVING THAT "SWAZILAND HAS ALWAYS BEEN REGARDED AS ONE OF THE MOST ENLIGHTENED COUNTRIES IN AFRICA IN TERMS OF CIVIL RIGHTS AND RACE RELATIONS." SINCE THEN, HOWEVER, DESPITE THE LACK OF WRITTEN LEGAL SAFEGUARDS THERE HAS NOT BEEN ANY SERIOUS OR WIDESPREAD DEGRADATION OF RESPECT FOR THE LIFE, LIBERTY OR SECURITY OF THE PERSON.

(A) TORTURE - THERE HAVE BEEN NO ALLEGATIONS THAT PERSONS IN SWAZILAND HAVE BEEN SUBJECTED TO TORTURE.

(B) CRUEL, INHUMAN OR DEGRADING PUNISHMENT - THERE IS NO EVIDENCE THAT PERSONS IN DETENTION HAVE BEEN SUBJECTED TO CRUEL, INHUMAN OR DEGRADING PUNISHMENT OF ANY KIND.

(C) ARBITRARY ARREST OR IMPRISONMENT - THE 1973 SECURITY LIMITED OFFICIAL USE  
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ACT AUTHORIZES THE ARREST AND DETENTION FOR RENEWABLE PERIODS OF 60 DAYS WITHOUT CHARGE OF PERSONS SUSPECTED OF ACTING AGAINST THE INTERESTS OF THE STATE. THE GOS HAS NOT HESITATED TO USE THIS AUTHORITY TO JAIL DISSIDENTS AND OTHERS WITHOUT TRIAL AND WITHOUT ANNOUNCEMENT OF THE REASONS FOR THEIR DETENTION.

AMNESTY INTERNATIONAL PROTESTED THE 1976 DETENTION OF DR. ZWANE, LEADER OF THE NNLC, BECAUSE OF AN ARTICLE HE WROTE FOR A SOUTH AFRICAN NEWSPAPER CONCERNING SWAZILAND'S FOREIGN POLICY. HE WAS SUBSEQUENTLY RELEASED.

(D) DENIAL OF FAIR PUBLIC TRIAL - THE JUDICIARY IN SWAZILAND IS INDEPENDENT AND RESPECTED. IT WILL GIVE A FAIR HEARING OR PUBLIC TRIAL TO PERSONS CLAIMING VIOLATIONS OF THEIR HUMAN OR CIVIL RIGHTS. A DUAL SYSTEM OF COURTS WITH RIGHTS OF APPEAL HAS BEEN USED WITH CONSIDERABLE FLEXIBILITY AND HUMANENESS TO ASSURE RECOURSE TO BOTH MODERN ROMAN DUTCH AND TRADITIONAL SWAZI LAW TO FIT INDIVIDUAL CASES.

(E) INVASION OF THE HOME - THE SANCTITY OF THE INDIVIDUAL HOME IS NOT GUARANTEED BY LAW BUT IS RESPECTED IN PRACTICE.

2. CIVIL AND POLITICAL LIBERTIES:

(A) FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - SWAZILAND IS FREE OF RACIAL DISCRIMINATION AND SCRUPULOUSLY PROTECTS THE RIGHTS OF ITS CITIZENS TO FREEDOM OF THOUGHT AND RELIGION. FREEDOM OF SPEECH IS GENERALLY OBSERVED, BUT IT DOES NOT PERMIT FREE ASSEMBLY FOR POLITICAL ACTIVITY. THE PRESS AND RADIO ARE SUBJECT TO GOVERNMENT CONTROL AND OCCASIONAL CENSORSHIP, ALTHOUGH CONSIDERABLE LATITUDE IS ALLOWED TO PRIVATELY-OWNED PUBLICATIONS AND NO ATTEMPT IS MADE TO ENFORCE A RIGOROUS CONTROL OF INFORMATION.  
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SWAZILAND DOES NOT PERMIT THE FORMATION AND FREE ACTIVITY OF TRADE UNIONS, A RESTRICTION WHICH CONTRIBUTED TO A BRIEF AND UNUSUAL OUTBREAK OF PROTEST AND VIOLENCE IN LATE 1977.

(B) SWAZILAND PERMITS FULL FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND ABROAD, INCLUDING THE RIGHT TO EMIGRATE. IT DOES NOT PLACE UNUSUAL RESTRICTIONS ON FOREIGNERS WISHING TO ENTER THE COUNTRY.

(C) DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS - THE SWAZI FORM OF GOVERNMENT IS A BENEVOLENT AUTOCRACY BASED ON TRADITIONAL TRIBAL AUTHORITY WITH DUE REGARD FOR THE WILL OF THE POPULATION BUT FEW MECHANISMS FOR ITS ORGANIZED EXPRESSION. DESPITE HIS PARTY'S OVERWHELMING VICTORY IN FREE ELECTIONS, KING SOBHUZA IN 1973 SUSPENDED THE CONSTITUTION AND THE WESTMINSTER-STYLE PARLIAMENT WHICH HAD BEEN ESTABLISHED AT INDEPENDENCE AND ASSUMED ALL GOVERNMENTAL POWERS HIMSELF. SINCE THEN HE HAS RULED AS KING-IN-COUNCIL WITH ADVICE FROM THE FORMER CABINET AND TRIBAL CHIEFS. IN 1977 HE ANNOUNCED HIS INTENTION TO ESTABLISH A NEW SYSTEM FOR SELECTING POPULAR REPRESENTATIVES BASED ON THE TRADITIONAL TRIBAL COUNCILS. THE NEW METHOD IS CONSIDERED BY THE GOVERNMENT TO BE BETTER SUITED TO THE TRADITIONAL SWAZI METHODS OF REACHING CONSENSUS THROUGH CONSULTATIONS RATHER THAN POLITICAL DEBATE. ALTHOUGH IT APPEARS TO ENJOY BROAD SUPPORT AMONG THE TRADITION-ORIENTED SWAZI POPULATION, IT OFFERS NO OPPORTUNITY FOR ELECTIONS OR OTHER WESTERN-STYLE MECHANISMS FOR POLITICAL PARTICIPATION AND EXPRESSION.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO  
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THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH

CARE AND EDUCATION:

(A) THE GOVERNMENT OF SWAZILAND HAS LAUNCHED A RURAL DEVELOPMENT PLAN DESIGNED TO IMPROVE THE STANDARD OF

LIVING OF THE MAJORITY OF SWAZIS WHO DEPEND ON SUBSISTENCE AGRICULTURE FOR A LIVELIHOOD. HOWEVER, SOME CRITICS OF THE GOVERNMENT CHARGE THAT ITS ECONOMIC DEVELOPMENT POLICY DOES NOT ADEQUATELY ADDRESS THE NEEDS OF THE POOR.

(B) ALTHOUGH THERE ARE INDICATIONS THAT CORRUPTION IS INCREASING, IT IS NOT COMMON AND HAS NOT BEEN A SIGNIFICANT PROBLEM IN SWAZILAND.

4. GOVERNMENT RESPONSIBILITY FOR THE FOREGOING RECORD - THE GOVERNMENT OF SWAZILAND CONSIDERS ITSELF RESPONSIBLE TO THE PEOPLE OF THE TRIBAL SWAZI NATION BUT BELIEVES THAT ITS LEGITIMACY IS DERIVED THROUGH NATIONAL TRADITION RATHER THAN WESTERN-STYLE ELECTORAL PROCESSES. IT ACCEPTS FULL RESPONSIBILITY FOR THE PROTECTION OF THE HUMAN RIGHTS OF ITS CITIZENS AND DOES NOT ATTEMPT TO COVER UP ANY VIOLATIONS OF THOSE RIGHTS WHICH MAY OCCUR UNDER ITS SYSTEM OF LIMITED LEGAL SAFEGUARDS AND POLITICAL RIGHTS. IT JUSTIFIES THAT SYSTEM AS BEST SUITED TO SWAZI TRADITION AND HAS MADE A GENUINE ATTEMPT TO ENSURE THAT IT DOES NOT RESULT IN THE ABUSE OF HUMAN RIGHTS.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS: THE GOVERNMENT OF SWAZILAND HAS NOT ATTEMPTED TO RESTRICT INDEPENDENT INVESTIGATIONS OF HUMAN RIGHTS IN SWAZILAND.

FREEDOM HOUSE LISTS SWAZILAND AS "PARTLY FREE."

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